THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2707 of 2007

Date: 17.04.2007

Between:

M.Kondaiah

....Petitioner

And

The Mandal Revenue Officer and others.

....Respondents

O R D E R:

Petitioner states that he is the absolute owner and possessor of land admeasuring Ac.0.27 ½ cents, in survey No.23/B of Cheemalapalli Village, Porlupalem Grampanchayat, Pendurthi Mandal, Visakhapatnam District. It is also stated that he intended to sell the said land and in that process, approached the third respondent, to register the same in favour of the intending purchaser. The grievance of the petitioner is that the third respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the third respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the third respondent to receive and process the document, if any, presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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17.04.2007

Note: Issue c.c. in three days.
(B/o)
kdl

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77